



45716

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barry H. Ginsberg

Serial No.: 10/658,209

Filed: September 10, 2003

For: Apparatus And Method For Monitoring  
Blood Glucose Levels Including Convenient  
Display Of Blood Glucose Value  
Average And Constituent Values

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:  
: Group Art Unit: 3735  
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: Examiner: Robert L. Nasser  
:  
: Confirmation No.: 3221  
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97-1.98, Applicant hereby transmits copies of the documents listed in the attached Form PTO/SB/08a, which may be deemed material to the examination of the above-identified application.

As to U.S. Patent Application No. 2005/0059895 filed herewith with the Information Disclosure Statement, this reference was first made known to the undersigned by the Examiner via telephone conference on March 5, 2009. Accordingly, this item of information was not cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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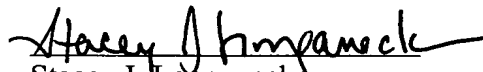
As to the remaining items listed in the attached Form PTO/SB/08a, each reference was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement. Applicant herewith transmits copies of the patent documents which were cited in a European Search Report in a related European application and may be deemed material to the examination of the above-identified application. A copy of the European Search Report is enclosed for the Examiner's convenience. Copies of U.S. patents and published applications are omitted.

As indicated, all documents are in English and therefore, no statement of relevance is required. Also, since the present Information Disclosure Statement is being filed after the issuance of a first Office Action on the merits, the fee of \$180.00 under 37 C.F.R. § 1.17(b) is submitted herewith.

The Examiner is requested to consider the attached documents in connection with the above-identified application and to return a copy of Form PTO/SB/08a to the Applicant with the Examiner's initials in the spaces provided.

Submission of this Information Disclosure Statement does not constitute an admission by the Applicant as to the materiality of the attached documents to the application, nor does the Applicant waive any right to challenge the validity of the documents as prior art should such action be deemed appropriate.

Respectfully submitted,

  
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Dated: March 17, 2009